

PATENT

Attorney Docket No. BA-32448(1)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : BAKER et al.  
Serial No. : 10/817,058  
Filing Date : April 2, 2004  
For : Method of Treating Cardiac Ischemia by Using Erythropoietin  
Group Art Unit: 1653  
Examiner : NOAKES, Suzanne Marie  
Confirmation No.: 2664

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**CERTIFICATION OF SUBMISSION**

I hereby certify that, on the date shown below, this correspondence is being transmitted via the Patent Electronic Filing System (EFS) addressed to Examiner NOAKES at the U.S. Patent and Trademark Office.

Date: March 15, 2007 Patricia Piclun

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

Applicant requests consideration of the pending claims in the above-identified patent application based on the remarks herein.

**Amendments to the Claims** are reflected in the listing of the claims, which begins on page 2 of this paper.

**Remarks** begin on page 6 of this paper.

An **Appendix** including the following documents, is attached following page 8 of this paper:

Copy of Notice of Abandonment in US 10/192,448 (Stamler)

**Declaration under Section 131(b)** with Exhibits A-M

**Petition under 37 CFR § 1.47** with Exhibits 1-3

**Statement under 37 CFR § 3.73(b)** with copy of Assignments